

**Minutes
State Board of Education
Monday, February 25, 2008**

The Arizona State Board of Education held its regular meeting at the Arizona Department of Education, 1535 West Jefferson, Room 417, Phoenix, Arizona.

Members Present

Mr. Jesse Ary
Dr. Vicki Balentine
Superintendent Tom Horne
Mr. Larry Lucero
Ms. Anita Mendoza
Mr. Jaime Molera
Mr. Jacob Moore
Ms. Cecilia Owen

Members Absent

Dr. John Haeger
Ms. Joanne Kramer
Dr. Karen Nicodemus

1. BUSINESS REPORTS

A. President's Report

Dr. Balentine, Mr. Moore, and Mr. Yanez met with the Executive Director of the Arizona Board of Regents. They discussed a meeting that the State Board of Education ("SBE") will have with the Board of Regents in early March to discuss the ramifications of the increased graduation requirements.

Superintendent's Report

Presentation of the Milken National Educator Recipient

Mr. Horne honored the Milken Award winner to Ms. Caroline Torez, a teacher at Sahuarita High School. She received a \$25,000 prize and was invited to attend the Milken National Educator conference.

B. Board Members Reports.

Ms. Mendoza attended a business education roundtable planning session organized by the Tucson Regent Education Initiative. It brought together a group of committed business people, Chambers of Commerce and educators to set priorities to improve opportunities in Tucson. She also visited the Arizona Change Leadership Institute held at University of Arizona which was co-sponsored by University of Arizona and the Arizona Department of Education ("ADE").

Mr. Ary participated in a workshop on motivating student learning. He encouraged the Board members to participate in motivating students to learn and gave a sample congratulatory letter from the Washington Superintendent and Washington Governor to every student that passes the Washington Assessment of Student Learning test, (Washington version of our AIMS). Mr. Ary would like to see a similar letter here in Arizona. This letter has Mr. Horne's approval.

Ms. Owen stated that is troubled by process of the school board appointments. In the last seven years, Ms. Owen has made 40 school board appointments for her county alone. Ms. Owen would

like to see the State Board of Education (“the SBE”) help with promoting and recruiting, and/or recognition for school board members.

C. Director’s Report.

1. Discussion of Possible Special Meeting

Vince Yanez, executive director, stated there is a need for a special meeting within the next two weeks with regard to the Roosevelt School District. Also for consideration will be a matter from Saddle Mountain School District regarding a complaint against the receiver.

2. State Board Compliance with U.S. District Court’s October 10, 2007 Order in the *Flores* Matter

There was a ruling by the 9th circuit, which upheld the U.S. District Court’s order. The two-year funding limitation needs to be removed, as well as the mandate the funding amount be offset by school district federal funds. It required all parties to do whatever is needed for resolution to the case by March 4, 2008.

3. Other Items as Necessary

Mr. Yanez let the Board know that the U.S. Department of Education did not accept the study that ADE provided to them with regard to using a calculator on the AIMS test. This means that calculators will remain as a non-standard accommodation for the purpose of the AIMS testing.

2. CONSENT AGENDA

A. Consideration to Approve State Board Minutes

1. January 28, 2008
2. January 28, 2008 – Executive Session

B. Consideration to Approve Contract Abstracts

1. Intel® Teach Affiliate Program 2008 Grant
2. Migrant Education Program – National Migrant Education Conference

C. Consideration to Approve Structured English Immersion (SEI) Training for the Provisional and Full Endorsements

D. Consideration to Approve the Professional Preparation Program Review Team Recommendations for Rio Salado College

E. Consideration to Approve the Professional Preparation Program Review Team Recommendations for the University of Arizona (South)

F. Consideration to Approve Additional Monies for Teacher Compensation for Fiscal Year 2008-2009 Pursuant to A.R.S. §§ 15-952 and 15-537

- G. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve the Applications for Certification for the Following Individuals:
 - 1. Donald W. Balagna, Case # C-2008-005R
 - 2. Jennifer Vohan, Case # C-2005-119R

- H. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Accept the Voluntary Surrender of Teaching Certificate for the Following Individuals:
 - 1. Craig Bidtah, Case # C-2007-005
 - 2. Kevin W. Jones, Case # C-2004-063

- I. Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Deny the Application for Certification for Jon Thomas, Case # C-2007-019R, pursuant to A.R.S. § 15-534.01(B)

- J. Consideration to Revoke the Teaching Credentials Held by Keath Allen, pursuant to A.R.S. § 15-550

- K. Consideration to Accept the Recommendations of Career Ladder Advisory Committee Regarding Program Approvals for Fiscal Year 2007-2008

Motion by Ms. Owen to approve the Consent Agenda, with the exception of item 2A. *Motion Passes* – Dr. Balentine abstained from the vote.

Motion by Mr. Moore, seconded by Ms. Owen to approve item 2A, as amended – *Motion Passes*

3. CALL TO THE PUBLIC

Mr. Ron Begay, employee with Tuba City Unified School District (TCUSD), stated his concerns regarding Eugene Thomas, Superintendent of TCUD. Mr. Begay is an original whistleblower who reported several infractions that were occurring at TCUSD. Mr. Begay is before the SBE on behalf of the community to look into the matters concerning Mr. Thomas. Mr. Begay let the SBE know that two former governing board members of the Del Conn Community School were planning on coming before the SBE to speak about similar concerns of Mr. Thomas while he worked for their school; however, they were unable to make it to the Board due to a family emergency.

Another employee (*name unclear*) with Tuba City Unified School District (TCUSD) addressed the SBE and stated that she is a member of the Hopi Tribe and has served on Hopi school boards for the last 12 years. She is speaking before the SBE on behalf of the community regarding their concerns about Mr. Eugene Thomas, Superintendent of TCUSD. She spoke on behalf of the Hopi and Navajo tribes to compel the SBE to pull Mr. Thomas' certification. Mr. Thomas'

current and previous actions at his previous employers are of serious concern to the community. She brought a copy of the investigative report that was ordered for Mr. Thomas. She commented that there is a community effort to remove Mr. Thomas from the reservation.

4. GENERAL SESSION

A. Program Update Regarding the Arizona Department of Education Office of Gifted Education

Mr. Peter Laing, Education Program Administrator, Arizona Department of Education Office of Gifted Education gave a presentation. Presentation information is available in the materials packet.

Mr. Lucero left during the discussion.

B. Update Regarding Legislative Affairs. The Board May Take Action to Support, Oppose or Remain Neutral on Specific Legislative Proposals

Mr. Jack Lasota, Attorney for the SBE, updated the SBE on the following issues:

- There are two bills in session for the reduction of the current budget, both have the same language which would reduce this year's budget by 37 million dollars. This has not been signed by the Governor.
- HB2008 would continue AIMS augmentation; there is controversy over an amendment that would allow the SBE to consider elective courses in determining education performance, to allow an adjustment to AIMS scoring. The bill would set augmentation as the Board originally passed it. Originally, electives were not included in the augmentation formula.
- HB2220, and SB1002, regarding the State Equalization Tax. The bills make permanent the suspension of the State Equalization Tax. Many members of the education community are advocating against making it permanent.
- HB2286 and SB 1358, regarding school governing board training. The House bill gives the responsibility of the training to ADE.
- HB2392 is No Child Left Behind, opt out cost study.
- HB2469 the financial mismanagement receivership law, this bill would restructure the process of receivership. This bill would allow ADE to work with the district for over expenditures, before it would come to the SBE.
- HB2711, the educational mismanagement receivership bill. Some technical issues are being worked out, so the SBE has a clear understanding of how the procedure works.
- HB2560, allows SBE to withhold from districts that are substantially and deliberately not complying with education laws. An amendment was written that limited the bill to the powers and duties of the local governing board.
- HB2482, requires SBE to certify teachers that have received a certificate from a national organization. This allows for a national group to give testing and certification to those with technical experience. Further discussion on this subject is later in the agenda.
- HB 2727, regarding fingerprint clearance cards, this is a Department of Economic Security bill that is for foster parents. As written, it will apply to fingerprint clearance cards for teachers. It would disqualify more convictions than are currently allowed, from being eligible for a good cause exception with the Board of Fingerprinting.

- HB2563, regarding the transfer of credits. It will require charter schools and districts to treat the transfers of the students as the same between them. It does not specify what the tests are.

C. Presentation, Discussion and Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Grant the Application for Certification for Anthony P. Imbronone, Case # C-2007-046R.

Mr. Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education, let the SBE know that he did not have any further information to present, and that Mr. Imbronone is present and available to answer any questions.

Motion by Mr. Moore, seconded by Mr. Ary to accept the findings of fact, conclusions of law, and recommendation of the Professional Practices Advisory Committee and approve the application for certification for Anthony Imbronone.

Discussion:

- A public reproof action in California is similar to the letter of censure in Arizona.
- Mr. Imbronone is interested in substitute teaching at this time, his intent is to supplement his income with substitute teaching from time to time.
- Mr. Imbronone is a firearms collector, in the sense for shooting, redesigning and customizing.
- Mr. Imbronone does not see a connection between his constitutional right to own firearms, and his responsibility as an educator. He went on to say that owning firearms is a constitutional right that Americans enjoy, and that if he were a Muslim, he would not be asked about his responsibility to describe Islam. He mentioned that everyone stood before the flag and said the Pledge of Allegiance. Many people have died in the battlefield so that we may make that pledge. He doesn't feel that he has the responsibility to justify the second amendment.
- Mr. Imbronone explained, with regard to the incident involving the 15 year old female student, that it was his responsibility as a teacher to report child abuse. He asked the student what happened to her neck, and the student told him they were hickeys.
- Mr. Imbronone is only interested in substitute teaching. Holding a firearm safety class in Arizona is not of interest to him at this time.

The members voted a 5-1 vote, which is an insufficient number of votes to take action. – *Motion Failed.*

Mr. Molera was not present during this discussion.

D. Update Regarding Activities of the Governor's P-20 Council. Discussion may Include Potential Board Actions Relating to Common Strategic Goals.

This item was tabled.

Discussion moved to Item F on the agenda.

E. Presentation, Discussion and Possible Consideration to Approve Application Criteria, Requirements and Program Structure for the Math and Science Initiative, Pursuant to A.R.S. § 15-720.01

Mr. Yanez explained that during the last session, the legislature appropriated 2.5 million dollars to the SBE for the creation of the Math or Science Achievement grant program. Pursuant to that, the SBE was required to create application procedures and selection criteria. He has had several conversations with the Governor's Office and the Science Foundation of Arizona as to how to structure the grant.

Mr. Harris, Science Foundation of Arizona, presented to the Board and the following points were made during the discussion:

- The Science Foundation of Arizona (SFA) is a tool to put a focus on true excellence.
- The SFA has areas of overlap with the SBE.
- The SFA is concerned with what is best for the students and teachers.
- He stated his concern with rural Arizona's teacher preparation and student skills, due to lack of resources.
- Their design would connect the rural parts of Arizona with the big cities of Arizona.
- The programs and reviews systems are in place, and with a partnership with SBE, they can provide a way to get the valued programs they want.
- The SFA's programs are holistic and would encourage change.
- They are a true performance system, where they measure themselves relative to best in class.
- The SFA believes in hands-on experience learning for students.
- Motion by Mr. Moore, seconded by Mr. Molera, to approve the application criteria, requirements and program structure for the Math and Science Initiative, pursuant to A.R.S. § 15-720.01, as presented. – *Motion Passes*

The discussion moved to item 4-I on the agenda.

F. Presentation, Discussion and Consideration to Initiate
Rule Making Procedures for Proposed Rules R7-2-401,
R7-2-402 and R7-2-405, Relating to Special Education

Ms. Colette Chapman, Deputy Associate Superintendent, Exceptional Student Services, Arizona Department of Education, informed the SBE that according to federal regulations, it is the state education agency's responsibility to ensure that the requirements of the Individuals with Disabilities Education Act are carried out. ESS is requesting technical revisions to align state special education rules with the federal law.

Motion by Ms. Owen, seconded by Mr. Moore, to initiate rulemaking procedures for proposed rules R7-2-401, R7-2-402 and R7-2-405, Relating to Special Education. *Motion Passes.*

G. Presentation, Discussion and Consideration to Initiate
Rule Making Procedures for Proposed Rule R7-2-612(K),
Relating to pre-K-12 Arts Education Teaching Certificates

Ms. Jan Amator, Deputy Associate Superintendent, Highly Qualified Professionals, Department of Education, introduced Lynn Tuttle, Director, Title V-Innovative Exemplary Programs, Academic Achievement, Arizona Department of Education. Ms. Tuttle gave a PowerPoint presentation, which is available in the materials packet. The following discussion ensued:

- This certificate would match many similar pre-K-12 art certificates that many other states have. When a teacher comes in to apply for reciprocity, it would cost less and save more

time than the current process. Reciprocity is unavailable for endorsements. The Art endorsement will still be available.

Motion by Ms. Owen, seconded by Ms. Mendoza, to initiate rulemaking procedures for proposed rules R7-2-612(K), Relating to PreK-12 Arts Education Teaching Certificates – *Motion Passes*

H. Presentation and Discussion Regarding the American Board for Certification of Teacher Excellence (“ABCTE”). The Board May Discuss and Take Action to Support, Oppose or Remain Neutral on Related Legislative Proposals.

Mr. Chen, ABCTE, made the following points during his presentation:

- ABCTE exists to bring career professionals into the teaching profession.
- ABCTE’s objective is to reduce the barriers of entry, and to ensure quality teachers throughout their program.
- Arizona is the second fastest growing state in the nation, which presents a number of issues with regard to the teaching situation, teaching shortages will grow in the areas of high need.
- Arizona currently has 2300 emergency teaching certificates, and 2200 substitute certifications.
- ABCTE is not here to compete with current methods; it wants to supply a new avenue through the current processes.
- The American Board was formed in 2001, and is funded by the U.S. Department of Education.
- ABCTE is currently certifying teachers in Florida, Pennsylvania, New Hampshire, Idaho, Utah, Mississippi, and South Carolina.
- It does all of the recruiting, so there is no cost to the State.
- The focus is on second career changers.
- After recruitment, candidates are paired with an advisor, to investigate what areas the candidate might be weak in. The candidates then work to develop an individual study plan. Candidates then prepare for classroom experience and the subject areas in an average to ten months. It is a self-paced preparation with online learning. The candidates then take an exam in a controlled center.
- The ABCTE test is aligned with the AEPA test.

Ms. Pam Blanton, American Board for Certification, Arizona Education Association is a National Board Certified Teacher. She was trained by Arizona State University, as an undergrad, and received her master’s degree there. She has spent many years of training beyond her master’s degree before becoming a national board certified teacher. She urged the SBE to oppose the legislative proposal; she is not comfortable with the statement that many people do not have the time to go back to school to earn a degree in education. She did not hear that the program used advanced degrees in any way, shape, or form. Teaching beyond testing and content is something the universities and community colleges are doing, and teaching how to deal with students. She stated that quality does take time, effort, and money.

Mr. Thomas Mihalchick, member, Gilbert Education Association, is a teacher at Highland High school, Gilbert Unified School District. He is a National Board Certified Teacher. He is a beneficiary to Arizona’s alternate path to teaching, through is provisional vocational teaching

certificate. He had three years to get rid of the provisional on his certificate. He was able to do that in two years, while teaching full time and working part time. He has completed course work to earn a B.A. and a Master's degree. He is certified to teach Business Education classes, with a marketing endorsement. He is fully certified to teach English, Radio Television and Production in both secondary and post-secondary level. He has served as a mentor in his school district. He does not believe ABCTE is a good plan to create successful teachers. The two-week observation time that ABCTE gives teachers is not enough, and would he would like the SBE to oppose it.

Mr. Andrew Morrill, Vice President of Arizona Education Association, opposes the ABCTE proposal. When the SBE raised graduation requirements, it was discussed that the needed to avoid lowering the standards of what it means to come into the teaching profession. The SBE has an opportunity to see the big picture by maintaining high standards of teachers. This is a vendor piece that completely bypasses the SBE's authority to establish the criteria for Arizona's teachers. Arizona already has alternative pathway programs. The barriers that ABCTE mentioned are the qualities that the SBE has set for the profession. ABCTE is opposed to college coursework. Mr. Morrill urges opposition to this program.

Ms. Mendoza commented that the current alternate pathway is institution bound. There are barriers to that. This program does require a minimum of a bachelor's degree. There are a lot of people out in the workforce who have content knowledge, who want to look at education as alternative. ABCTE is not something the Board should just turn away from, without serious consideration. She has known teachers that have come from institutions that have not met expectations either. It's an individual issue, not a program issue. She wants to make sure the SBE considers all viable alternatives in the face of a shortage in the teaching workforce.

Mr. Ary asked Mr. Morrill about additional alternative pathways, Mr. Morrill said the Arizona Education Association has looked and spoken with many different entities on alternative pathways. He doesn't feel that is the problem at this time. The problem is keeping a teacher in their job. It's a compensation and class size issue.

Ms. Balentine commented that she is troubled by the fact that ABCTE went the legislative approach without seeking SBE approval. She also asked why the Certification Department has not looked at additional pathways to certification.

Mr. Mark Francis, liaison, Arizona Charter School Association, commented on the outstanding schools that were mentioned, two of which were two charter schools. The successful schools have teachers that have not gone through the traditional certification route. Those schools have created outstanding programs through the leadership and the work with their teachers. He would like the SBE to consider the proposal from ABCTE.

Mr. Yanez stated that clarification is needed, but that the current legislation would grant anyone with an ABCTE certification the right to teach in Arizona for three years. The bill is conflicting. It would create issues with accountability. Mr. Yanez would like to know what SBE's expectations are with regard to the bill.

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, let the SBE know that for a charter school teacher to be highly qualified, they must have a bachelor's degree and show content competency in their subject area. Teachers in a district school, to be highly qualified, must have an Arizona teaching certificate, a bachelor's degree, and show content competency.

Ms. Owen was concerned that this was an issue before the House.

Ms. Mendoza explained that many charter school teachers have chosen not to get certified because they feel they know the content, and could go work in another industry to make more money. They do not feel that they need to go through extra coursework to get the skills needed to teach. ABCTE might be a program that is more manageable than an institution bound program.

Mr. Moore stated his concerns about the legislative process and the authority the SBE has. He would like to see the language and that if the process takes away SBE authority, than he is opposed to the bill.

Ms. Owen feels that this issue maybe a power struggle between the legislator and the SBE.

Mr. Molera stated his concern with the legislation, but would like to see alternate pathways. He feels the SBE should send a clear message to the parties concerned. The bill has not been through the hearing yet.

Mr. Lucero agreed with Mr. Molera.

Mr. Ary feels it is important to have a clear understanding of the origin of policymaking and the impact of the authority the SBE. The Board feels that it needs a stake in this kind of decision.

Dr. Balentine confirmed that the SBE feels there are many concerns with this bill, but they recognize the needs for additional alternate pathways to certification.

Discussion moved to Item E on the agenda.

I. Presentation, Discussion and Consideration to Close the Rulemaking Record and Adopt Proposed Rule, R7-2-302.05, Relating to Education and Career Action Plans

Mr. Yanez explained that item comments were given to Board members for review. A hearing was held for public comment.

Dr. Karen Butterfield, Associate Superintendent, Academic Achievement, Arizona Department of Education, addressed the Board and let them know that they have received a draft of the ECAP plan. The documentation includes timelines, preparation components, and professional development. It is based on district and charter school needs. There is an IT component that shows how ECAPs can be integrated with ADE's Data Warehouse.

Motion by Ms. Mendoza, seconded by Mr. Ary, to close the rulemaking record and adopt proposed rule R7-2-302.05, R7-2-302.06 and R7-2-302.07, relating to Education and Career Action Plans – *Motion Passes*

The SBE broke for lunch. Mr. Lucero and Mr. Moore left during lunch.

J. Presentation and Discussion Regarding Proposed Modifications to the AZ LEARNS School Accountability Formula

Dr. Robert Franciosi, Deputy Associate Superintendent, Research and Evaluation Section, Arizona Department of Education, gave a PowerPoint presentation; information regarding the presentation is available in the materials packet. The following points were made during discussion:

- The one point on the AZELLA is the goal to hit 30% of students reclassified.
- The reason the formula is being changed is to simplify the calculation.
- The impact is to reduce the number of underperforming schools.
- The safe harbor method is not used for AZLearns.
- The school code numbers are to protect the identity of schools.
- Roosevelt School District is not a K-12 school.
- Solutions teams are no longer limited to just underperforming schools.

K. Presentation and Discussion Regarding Proposed Mathematics Standards Articulated by Grade Level

Ms. Cheryl Lebo, Associate Superintendent of Standards & Assessment, Arizona Department of Education, Ms. Mary Knuck, Deputy Associate Superintendent, Academic Standards Unit, Arizona Department of Education, and Dr. Miller gave a presentation. The following point were made during the discussion:

- A news release will be going out to detail the public forums.

Motion by Ms. Mendoza, seconded by Mr. Ary, to adjourn as the State Board of Education and reconvene as the State Board of Vocational and Technical Education.

5. ADJOURN AS THE STATE BOARD OF EDUCATION AND RECONVENE AS THE STATE BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION

Presentation and Discussion of Arizona's Five-Year State Plan for the Carl D. Perkins Career and Technical Education Act of 2006

Ms. Barbara Border, Interim Deputy Associate Superintendent and State Director of Career and Technical Education, Arizona Department of Education, gave a presentation; information regarding the presentation is available in the materials packet. The following points were made during the discussion:

- The next step will be approval for submission.
- Mr. Horne is excited to see industry related testing for CTE students.

Motion by Mr. Horne, seconded by Mr. Ary, to adjourn the meeting. *Motion Passed.*

